

Application No.: 10/539,667  
Amendment Dated: January 5, 2009  
Reply to Office Action of: November 5, 2008

MAT-8703US

**Remarks/Arguments:**

Claims 1-32 are pending and stand rejected.

By this Amendment, claims 1-2, 8, 15, 19 and 32 are amended.

No new matter is added by the claim amendments. Support for the claim amendments can be found throughout the original specification and, for example, in the original specification at page 26, line 21 to page 28, line 7 and original claim 8.

**Rejection of Claims 1-32 under 35 U.S.C. §112, second paragraph**

In the Office Action, at page 2, claims 1-32 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Applicants respectfully disagree with the Examiner regarding this rejection. The Examiner contends that the phrase " 'to decide whether a respective router device is to have an operational status in which the respective router device of the router devices belonging to the common sub-network is placed in operation based on the router status information' in line 7 is indefinite and not clear what this is in reference to. The claims are generally narrative and indefinite, failing to conform with current U.S. practice". Applicants believe that claims 1-32 are not indefinite. Applicants, however, have amended independent claims 1, 2, 15, 19 and 32 to expedite prosecution and to clarify these claims with regard to the Examiner's concerns regarding the indefiniteness rejection.

**Claims 8 and 9**

With regard to claim 8 and 9, Applicants respectfully traverse the rejection.

Claim 8 recites:

a priority calculating section for calculating priorities to decide whether a respective router device of the router devices belonging to a common sub-network is to have an operational status based on the router status information ...

a decision section for deciding a first router device belonging to the common sub-network that is to become operational and one or more other router devices of the router devices

belonging to the common sub-network to be placed in a standby status, according to the calculated priorities ...

That is, the priority calculating section calculates priorities and those calculated priorities are used by the decision section to decide whether a respective router device is to have an operational status or a standby status. Applicants submit that the language in claim 8 is clear and definite.

Applicants further submit that claim 9 is also clear and indefinite for similar reasons.

Accordingly, it is submitted that claims 1, 2, 8, 9, 15, 19 and 32 and dependent claims 3-7, 10-14, 16-18 and 20-31 are free from this rejection and the Examiner is respectfully requested to withdraw the rejection.

#### **Rejection of Claims 1-13, 15-28 and 31 under 35 U.S.C. §103(a)**

In the Office Action, at page 3, claims 1-13, 15-28 and 31 are rejected under 35 U.S.C. §103(a) as unpatentable over Shigehashi (JP-2003/046539) in view of Kuo (U.S. Patent No. 7,209,435).

Reconsideration is respectfully requested.

#### **Claim 1**

Claim 1 is directed to an inter-router adjustment method, and recites:

requesting, by a control device, router status information of router devices belonging to a common sub-network ...

acquiring, by the control device, the router status information of router devices belonging to the common sub-network and calculating priorities of the router devices belonging to the common sub-network based on the router status information

...

deciding, by the control device, a first router device belonging to the common sub-network that is operational and one or more router devices of the router devices belonging to the common sub-network to be placed in a standby status, according to the calculated priorities; and

notifying, by the control device, the plurality of router devices belonging to the common sub-network that the first device is operational.

That is, a control device performs the requesting, acquiring, deciding and notifying operations. Moreover, the inter-router adjustment method includes both the control device and the first router device that is operational as a virtual router device.

### **Shigehashi Reference**

In the Office Action, the Examiner acknowledges that Shigehashi does not explicitly teach “‘notifying the plurality of router devices belonging to the common sub-network that the first router device is operational.’” Applicants respectfully agree with the Examiner regarding the Examiner’s acknowledgement. Moreover, Shigehashi, as the Examiner suggests, is concerned with the comparison of a received priority of the active router with a priority of the router receiving the priority to determine which router is to be the active router. Thus, Shigehashi does not disclose or suggest a control device (different from the router devices belonging to a common sub-network) that requests router status information, that acquires the router status information and calculates priorities of the router devices, that decides a first router device belonging to the common sub-network that is to become operational according to calculated priorities and that notifies the plurality of router devices that the first device is operational. This is because, Shigehashi is silent regarding such a control device.

### **Kuo Reference**

Kuo does not overcome the deficiencies of Shigehashi. This is because, Kuo does not disclose or suggest a control device performing the requesting, acquiring, deciding and notifying operations recited in claim 1. Instead, Kuo discloses the use of VSRP hello packets. Each VSRP hello packet includes a priority of a respective switch to set which VSRP switch 304/306 is a master switch. (See Kuo at Col. 7, lines 52-67.) In Kuo, the VSRP switch uses a tracking value to modify the priority value with regard to fluctuating quality of its connection to the outside network. Once the virtual network 304/306 has reached a steady state configuration, the VSRP master switch continues to send out hello packets. The VSRP backup switches set their ports to blocking and receive the hello packets to determine if they should remain in backup

mode or transition to master mode. The connected VSRP aware switches 508, 510 and 512 receive the hello packets 514 and 516. The VSRP aware switches 508, 510 and 512 flood the hello packet upon receipt, which is received by other VSRP switches 504 and 506 in the virtual switch 502. That is, similar to Shigehashi, Kuo does not disclose a control device that provides, for example, notification to the plurality of router devices belonging to the common sub-network that another device (the first router device) is operational as a virtual router device. This is because, Kuo contemplates the use of VSRP hello packets between router devices. Kuo is silent regarding a control device/node used to notify the router devices that the first device is to become operational.

Accordingly, it is submitted that claim 1 patentably distinguishes over Shigehashi in view of Kuo for at least the above-mentioned reasons.

**Claims 2, 8-9, 15, 19 and 32**

Claims 2, 8-9, 15, 19 and 32, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Shigehashi in view of Kuo for at least similar reasons to those of claim 1.

Claims 3-7, 10-13, 16-18, 20-28 and 31, which include all of the limitations of their respective independent claims, are submitted to patentably distinguish over Shigehashi in view of Kuo for at least the same reasons as their respective independent claims.

**Rejection of Claims 14 and 29-30 under 35 U.S.C. §103(a)**

In the Office Action, at page 33, claims 14 and 29-30 are rejected under 35 U.S.C. §103(a) as unpatentable over Shigehashi in view of Kuo in further view of Odaohhara (U.S. Patent Publication No. 2002/0144160).

Reconsideration is respectfully requested.

Claims 14 and 29-30, which include all of the limitations of their respective independent claims, are submitted to patentable distinguish over Shigehashi in view of Kuo for at least the same reasons as their respective independent claims.

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The addition of Odaohhara does not overcome the deficiencies of Shigehashi in view of Kuo. This is because, Odaohhara does not disclose or suggest the control device as recited in claim 1 and similarly in the other independent claims.

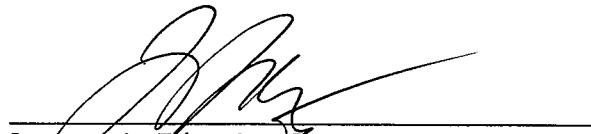
Odaohhara, which the Examiner relies on to teach battery capacity information, is silent regarding such a control device.

Accordingly, it is submitted that claims 14 and 29-30 patentably distinguish over Shigehashi in view of Kuo in further view of Odaohhara for at least the above-mentioned reasons.

### **Conclusion**

In view of the claim amendments and remarks, Applicants submit the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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